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2                  *Frank Winch, Scott Neu, Austin Morris,  
3                  Rene Gonzalez, Evan Staehely, Martin Logue,  
4                  and Scott Bergstresser*

5                  MICHAEL CAVNESS,

6                  Plaintiff,

7                  vs.

8                  ROSS MIRKARIMI, SAN FRANCISCO  
9                  SHERIFF DEPARTMENT, INSURANCE  
10                 CARRIES, ET AL.,

11                 Defendants.

12                 Case No. 14-CV-3403 EDL (JSC)

13                 **STIPULATION AND [PROPOSED] ORDER  
14                 REGARDING FACT DISCOVERY MOTIONS  
15                 TO COMPEL**

16                 Trial Date:                   March 19, 2019

1 Pursuant to Civil L.R. 6-2 and 7-12, the parties certify that they have in good faith conferred  
 2 and have agreed that good cause warrants entry of a stipulation and Court Order as follows.

3 **RECITALS**

4 A. WHEREAS the Court issued the governing Case Management Order on May 18, 2018  
 5 (ECF 128), ordering that all non-expert discovery conclude by August 30, 2018, except  
 6 by order of this Court for good cause, and that motions to compel must be filed within  
 7 the time limits set by Civil Local Rule 37-3;

8 B. WHEREAS Civil Local Rule 37-3 and the governing Case Management Order sets a  
 9 deadline of seven days for motions to compel discovery after a discovery cutoff,  
 10 meaning the deadline for motions to compel fact discovery is currently Thursday,  
 11 September 6, 2018;

12 C. WHEREAS on August 20, 2018, Plaintiff sent Defendants a letter detailing discovery  
 13 deficiencies and seeking a meet and confer;

14 D. WHEREAS Plaintiff again requested a meet and confer with Defendants on August 24  
 15 and August 29, 2018;

16 E. WHEREAS on August 29, 2018, Defendants advised that they were available to meet  
 17 and confer on September 5, 2018;

18 F. WHEREAS on September 5, 2018, the parties engaged in a meet and confer discussion  
 19 regarding Plaintiff's letter that both parties believe was productive and may avoid the  
 20 need for the Court's intervention on many of the issues raised in Plaintiff's August 20,  
 21 2018 letter;

22 G. WHEREAS the parties jointly request an extension of time until Monday, September  
 23 17, 2018 for Plaintiff to file motions to compel in light of ongoing meet and confer  
 24 discussions that the parties believe will substantially reduce the need for Court  
 25 intervention on outstanding fact discovery issues;

26 The parties HEREBY STIPULATE, though their attorneys of record, to seek the entry of a  
 27 Court Order as follows:

1. Plaintiff shall file any and all motions to compel pertaining to fact discovery on or  
2 before Monday, September 17, 2018.

3. **IT IS SO STIPULATED.**

4 Dated: September 6, 2018

5 DENNIS J. HERRERA  
6 City Attorney  
7 CHERYL ADAMS  
8 Chief Trial Deputy  
9 BRIAN P. CEBALLO  
10 JAMES F. HANNAWALT  
11 Deputy City Attorneys

12 By: /s/ James F. Hannawalt  
13 JAMES F. HANNAWALT

14 Attorneys for Defendants

15 FRANK WINCH, SCOTT NEU, AUSTIN MORRIS,  
16 RENE GONZALEZ, EVAN STAHELY, MARTIN  
17 LOGUE, AND SCOTT BERGSTRESSER

18 DATED: September 6, 2018

19 GIBSON, DUNN & CRUTCHER LLP  
20 Rachel S. Brass, SBN 219301  
21 Lee Crain, *Pro Hac Vice*

22 By: /s/ Lee R. Crain  
23 Lee R. Crain, *pro hac vice*

24 Attorneys for Plaintiff MICHAEL CAVNESS

1  
**[PROPOSED] ORDER**

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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4 Dated: September 13, 2018

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ELIZABETH D. LAPORTE  
United States District Magistrate Judge

